

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Krishnan et al.

Application No.: 10/770,353

Confirmation No.: 7666

Filed: February 2, 2004

Art Unit: 3685

For: METHOD AND SYSTEM FOR
SECURELY INCORPORATING
ELECTRONIC INFORMATION INTO AN
ONLINE PURCHASING APPLICATION

Examiner: J. M. Winter

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

This application is a continuation of U.S. Patent Application No. 10/406,624, which is a continuation of U.S. Patent Application No. 09/464,662, which is a continuation of U.S. Patent Application No. 09/895,221. U.S. Patent Application No. 09/895,221 is now U.S. Patent No. 6,073,124 ("the '124 patent"). The '124 patent claims the benefit of U.S. Provisional Application No. 60/049,844, and is a continuation-in-part of U.S. Patent Application No. 08/792,719. U.S. Patent Application No. 08/792,719 is now U.S. Patent No. 6,141,698 ("the '698 patent").

U.S. Patent Application No. 09/627,265, which is now U.S. Patent No. 6,405,316 ("the '316 patent"), also claims priority to U.S. Patent Application No. 08/792,719 as a divisional.

As discussed in applicants' prior IDS of Dec. 23, 2009, the '124 patent, the '698 patent, and/or the '316 patent were involved in litigation, *inter alia*, in the following concluded cases.

Ref.	Case
E	Network Commerce Inc v. Microsoft Corp; Civil Docket No. 2:01-cv-01991-MJP; United States District Court, Western District of Washington at Seattle; Date Filed: 12/06/2001; Date Terminated: 05/27/2004
I	CRS LLC v. Valve Corp.; Civil Docket No. 2:08-cv-00361-RAJ; United States District Court, Western District of Washington at Seattle; Date Filed: 03/03/2008; Date Terminated: 02/05/2009

Legible copies of the docket reports and multiple docket items for the above-referenced cases were previously disclosed by applicants' IDS of Dec. 23, 2009. Additional docket items which were not electronically available from the U.S. District Court and/or which recently came to the attention of the undersigned are now listed on the attached PTO/SB/08 and included herewith:

Network Commerce Inc v. Microsoft Corp; Civil Docket No. 2:01-cv-01991-MJP; United States District Court, Western District of Washington at Seattle; Date Filed: 12/06/2001; Date Terminated: 05/27/2004	
Docket Item #	Docket Item
65	VERBATIM REPORTED PROCEEDINGS FOR MARKMAN HEARING BEFORE THE HONORABLE MARSHA J. PECHMAN, UNITED STATES DISTRICT COURT JUDGE; Filed Jan. 21, 2003; Civil Docket No. 2:01-cv-01991-MJP; United States District Court, Western District of Washington at Seattle; 80 pages.
84	PLAINTIFF'S REVISED MOTION AND MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION OF SUMMARY JUDGMENT ORDER; Filed Apr. 21, 2003; Civil Docket No. 2:01-cv-01991-MJP; United States District Court, Western District of Washington at Seattle; 8 pages.
N/A	ORDER REGARDING CLAIMS CONSTRUCTION OF UNITED STATES PATENT NO. 6,073,124; Mar. 10, 2003; Civil Docket No. 2:01-cv-01991-MJP; 1034 F.Supp.2d 1034; United States District Court, Western District of Washington at Seattle; 9 pages

CRS LLC v. Valve Corp.; Civil Docket No. 2:08-cv-00361-RAJ; United States District Court, Western District of Washington at Seattle; Date Filed: 03/03/2008; Date Terminated: 02/05/2009	
Docket Item #	Docket Item
50	VALVE CORPORATION'S REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY; Filed Dec. 23, 2008; Civil Docket No. 2:08-cv-00361-RAJ; United States District Court, Western District of Washington at Seattle; 15 pages.

As noted on the U.S. District Court docket report for Network Commerce Inc v. Microsoft Corp (Cite No. E1), the case was appealed to the U.S. Court of Appeals for the Federal Circuit ("CAFC").

Legible copies of the following docket reports, briefs, and decision from the CAFC for Network Commerce Inc v. Microsoft Corp are also listed on the attached PTO/SB/08 and included herewith:

Network Commerce Inc v. Microsoft Corp. Docket No. 2004-1445; United States Court of Appeals for the Federal Circuit; Notice of Appeal Filed: 06/28/2004; Disposed on: 09/08/2005	
Docket Item #	Item
N/A	CASE SUMMARY DOCKET REPORT; Docket No. 2004-1445; United States Court of Appeals for the Federal Circuit; 2 pages.
N/A	CASE DETAILS DOCKET REPORT; Docket No. 2004-1445; United States Court of Appeals for the Federal Circuit; 2 pages.
N/A	BRIEFS DOCKET REPORT; Docket No. 2004-1445; United States Court of Appeals for the Federal Circuit; 1 page.
N/A	REHEARINGS DOCKET; Docket No. 2004-1445; United States Court of Appeals for the Federal Circuit; 1 page.
N/A	CORRECTED BRIEF OF PLAINTIFF/APPELLANT NETWORK COMMERCE, INC. AND PLAINTIFF-INTERVENOR/APPELLANT CRS, LLC; Filed Sept. 27, 2004; Docket No. 2004-1445; United States Court of Appeals for the Federal Circuit; 21 pages.
N/A	BRIEF OF DEFENDANT-APPELLEE MICROSOFT CORPORATION; Filed Nov. 18, 2004; Docket No. 2004-1445; United States Court of Appeals for the Federal Circuit; 27 pages.
N/A	REPLY BRIEF FOR PLAINTIFFS-APPELLANTS NETWORK COMMERCE, INC. AND CRS, LLC; Filed Nov. 26, 2004; Docket No. 2004-1445; United States Court of Appeals for the Federal Circuit; 15 pages.
N/A	Table of Contents of JOINT APPENDIX by Network Commerce, Inc. and CRS, LLC (Appellants); Filed Dec. 3, 2004; Docket No. 2004-1445; United States Court of Appeals for the Federal Circuit; 3 pages.
N/A	DECISION by the United States Court of Appeals for the Federal Circuit; Sept. 8, 2005; Docket No. 2004-1445; 422 F.3d 1353; United States Court of Appeals for the Federal Circuit; 12 pages.

With respect to the Joint Appendix filed on Dec. 3, 2004, only the cover page and the Table of Contents pages are submitted herewith. The undersigned attorney has reviewed the Table of Contents as well as the U.S. District Court docket report and believes that the documents within the Joint Appendix are the same as or cumulative to docket items listed on the U.S. District Court docket report and/or provided to the Examiner. However, if the Examiner would like the applicant to provide any of the documents from the Joint Appendix, any other items from above-referenced cases, or

any further information in this regard, the Examiner is invited to contact the undersigned attorney.

For the Examiner's convenience, applicants have included headings rows in the attached form PTO/SB/08 to more clearly associate each of the docket items with its respective case. These headings are not intended to be considered by the Examiner. Docket reports for each of the above-referenced cases were included in applicants' prior IDS of Dec. 23, 2009, or are listed herewith on separate rows.

In accordance with 37 CFR 1.98(a)(2)(ii), applicants have not submitted copies of U.S. patents and U.S. patent applications. Copies of the foreign patents and non-patent literature marked with a double asterisk (**) under the Cite No. column in the attached form PTO/SB/08 were previously provided to the Office in prior application number 08/895,221 filed July 15, 1997. In accordance with 37 CFR 1.98(d), applicants have not provided copies of these references.

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicants do not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

hereafter filed in this application by this firm) to our Deposit Account No. 50-0665, under Order No. 320529447US4.

Dated: March 10, 2010

Respectfully submitted,

By 

David Chin

Registration No.: 58,413

PERKINS COIE LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-8000

(206) 359-7198 (Fax)

Attorney for Applicant